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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,626	07/05/2000	ANDREAS MAIER	00114	2631

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DENNISON, SCHEINER SCHULTZ & WAKEMAN
612 CRYSTAL SQUARE FOUR
1745 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-3417

EXAMINER

TSAI, HENRY

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/582,626	Applicant(s) MAIER ET AL.	
	Examiner Henry W.H. Tsai	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 20) <input type="checkbox"/> Other: _____ |

Art Unit: 3722

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

2. The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).

Art Unit: 3722

- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

4. Claims 10, 14, ~~17~~, ~~22~~, and ~~24-40~~ are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 10, 14, ~~17~~, ~~22~~, and ~~24-40~~ have not been further treated on the merits.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9, 11-13, 15, 16, 18-21, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

Art Unit: 3722

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, it is not clear what is meant by "whose" since the subject is unclear.

In claim 2, line 4, it is not clear whether two adjusting screws" is the same as that mentioned in claim 1, line 7.

In claim 3, line 2, the phrase "the cutter" lacks proper antecedent basis.

In claim 4, line 4, the phrase "the adjusting member" lacks proper antecedent basis.

In claim 11, line 1, the phrase "the cartridge" lacks proper antecedent basis.

In claim 18, line 2, it is not clear what is meant by "each case" since the case was not defined.

In claim 21, line 2, the phrase "the rotational axis" lacks proper antecedent basis.

In general, the claims are not in proper idiomatic English as a result of the translation. Applicant is requested to re-write the claims in accordance with U.S. standards.

Art Unit: 3722

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9, 11-13, 15, 16, 18-21, and 23, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ortlieb (4,043,229).

Ortlieb discloses the claimed invention comprising, as shown in Figs. 1 and 4, a basic body(10) and at least one cutting insert(16) which is clamped in the basic body(10) by means of a clamping element and whose position can be adjusted, wherein the cutting insert extends in a recess of the basic body and adjusting means(52, 48) which are in engagement are provided for the purpose of adjusting the cutting insert(16), the cutting insert comprising a pivot mounting for adjustment purpose, wherein on both sides of the pivot two adjusting screws(48, 52) are provided in the cutting insert for the purpose of fixing the pivot movement of the cutting insert.

Note Ortlieb also disclose the limitations in claims 2-9, 11-13, 15, 16, 18-21, 23, such as the cutter(20) clamped in the carrier(16) as shown in Figs. 1, and 4-6.

Conclusion

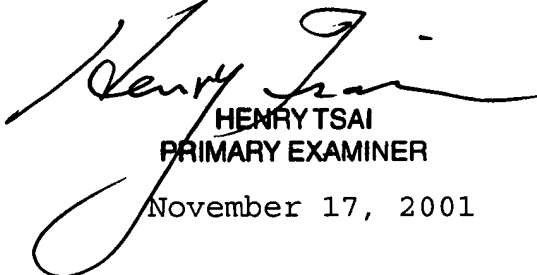
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Henry Tsai whose telephone number is (703) 308-7600. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington can be reached on (703) 308-2159. The fax number for TC 3700 is (703) 305-3579. **Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703) 308-1148.**
11. In order to reduce pendency and avoid potential delays, Group 3700 is encouraging FAXing of responses to Office

Art Unit: 3722

actions directly into the Group at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3700 will be promptly forward to the examiner.


HENRY TSAI
PRIMARY EXAMINER
November 17, 2001